

## ***FWP COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** January 12, 2012

**Agenda Item:** “No wake” Area at all Commercial boat marinas state wide

**Division:** Law Enforcement

**Action Needed:** Approval of Tentative Rule

**Time Needed on Agenda for this Presentation:** 10 minutes

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### **Background**

On July 6, 2011, FWP received a letter from Fort Peck Marina owner Tara Waterson requesting the FWP Commission approve a “No Wake” area near the marina’s facilities (Letter enclosed). She stated that increased boating activity, coupled with boats operating at speeds above no wake, on now full pool Fort Peck Lake is causing damage to private vessels, the docking system and for boaters loading and unloading vessels.

In July 2011, FWP and Corp of Engineers personnel met with Mrs. Waterson to discuss means to protect property and reduce any potential personal injuries. The COE created a temporary “No Wake” area inside Rainbow Bay under their authority. The Marina agreed to properly post with “No Wake” signs and buoys. The COE has been able to address any potential violations of a “No wake” area, during the interim period while FWP took steps to properly develop a FWP Commission approved “No Wake” area.

Instead of proposing to the commission a “No Wake” area for this specific Marina—and with the possibility of future “No Wake” areas being requested for other established or new Marinas for Commission approval—FWP proposes that all Commercial Marinas should have “No Wake” areas established around them. Marinas have high boat traffic and have many boats docked so these areas regardless of the location are susceptible to accidents and boat damage due to wakes. Currently over half of the commercial marinas have a no wake restriction and this proposal will make the rules consistent throughout the state.

### **Public Involvement Process & Results**

FWP enforcement officers have warned boaters about the problem which is created by speeding in marina areas, and have spent time educating boat operators to their responsibility for damages created by their vessel. At this time no other public involvement has taken place.

### **Alternatives and Analysis**

An alternative is to leave the area unrestricted, and not provide any regulations for law enforcement officers to use to address problems. It’s foreseeable that boats will damage property due to speeding.

### **Agency Recommendation & Rationale**

Develop a FWP Commission approved “No Wake” as buoyed, at all commercial marinas and the marinas will need approval from the department if they would like to establish a no wake zone beyond 300 feet of the marina docks. Add language to the 2011-12 Montana Boating Law brochure.

### **Proposed Motion**

“I move a No-Wake Boating Rule be proposed for all commercial marinas as buoyed and that no commercial marina establish a no wake zone beyond 300 feet of the marina docks without prior approval from the department and FWP conduct public outreach on the proposal.”